

US EPA ARCHIVE DOCUMENT

**AGENCY NAME:** U.S. Environmental Protection Agency, Regions 6 and 9

**FUNDING OPPORTUNITY TITLE:** Tribal Border Infrastructure (TBI) Program

**ANNOUNCEMENT NUMBER:** EPA-R9-WTR10-10-004

**CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NUMBER:** 66.202

**DEADLINE:** The closing date for receipt of the proposal (**mail ONLY**) application package is **Friday, May 14, 2010, 5:00 PM Pacific Standard Time (PST)**.

All hard copy submissions must be received by EPA Region IX

Applications received after the closing date and time will not be considered for funding.

**EXECUTIVE SUMMARY:** The Tribal Border Infrastructure Program is designed to address high-priority drinking water and wastewater infrastructure needs of Tribes whose reservations meet the following geographical conditions: a). must be north of the U.S. / Mexico border, **and** b). must be within a 62-mile radius of the U.S. / Mexico border. As a competitive program, applicants must submit a proposal that substantially complies with the program's requirements as explicitly stated in the Request for Proposals section of this document (Section IV). Applicants may elect to receive funding via a grant or an interagency agreement between EPA and the Indian Health Services (IHS). Applicants that choose to receive funding through a grant will work directly with EPA. Applicants that choose to receive funding through an Interagency Agreement will work collaboratively with Indian Health Services (IHS) and EPA. Applicants EPA expects to award 3 to 6 projects to applicants from both Regions VI **and** IX based on an anticipated funding allocation of \$1.5 million for both regions. Also, there is no matching funds requirement for this program.

**FUNDING AWARD:** The total estimated funding for this competitive announcement is \$1.5 million. This funding estimate includes allocations for both Region 6 and 9.

#### **CONTACT INFORMATION**

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**IMPORTANT DATES:**

- 05/14/10      Deadline for applicant to submit proposal (**mail ONLY**) to Region 9 by 5:00 PM PST
- 05/27/10\*      Deadline for EPA to notify all applicants of their TBI eligibility status based on the Threshold Eligibility Criteria form
- 06/14/10\*      Deadline for EPA to select proposals for awards
- Project sponsors will be requested to submit either: (1) Draft Project Summaries and Memorandum of Agreements (PS/MOAs) for projects to be funded by Interagency Agreements with IHS, or (2) grant applications and work plans for projects to be funded by direct grants from EPA.
- 6/28/10\*      Deadline for submission of Final Project Summaries/Memoranda Of Agreements, and grant applications and work plans, as applicable

\*The aforementioned dates are anticipated and may be subject to change. See Section IV for further information on submission methods and dates.

**Contents of this TBI FY2010 Request for Proposals:**

- I.      Funding Opportunity Description
- II.     Award Information
- III.    Eligibility Information
- IV.    Application and Submission Information
- V.     Application Review Information
- VI.    Award Administration Information
- VII.   Agency Contacts
- VIII.  Other Information (attachments)

# **Tribal Border Infrastructure Program 2010 Request for Proposals**

**Funding Opportunity Number: EPA-R9-WTR10-10-004**

Full Text of Announcement

## **I. FUNDING OPPORTUNITY DESCRIPTION**

### **A. Background**

Public Law 111-88 for fiscal year 2010 provides authority to the EPA to provide assistance for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities which fall under the U.S. / Mexico border program.

### **B. Scope of Work**

The U.S. Environmental Protection Agency (EPA) Regions 6 and 9 Water Divisions are soliciting proposals for the Tribal Border Infrastructure Program. This program will fund high priority wastewater and drinking water infrastructure projects for federally-recognized Indian Tribes in Indian Country within 62 miles (100 kilometers) north of the U.S. / Mexico Border. EPA anticipates up to \$1.5 million will be available for awards under this program. Funding for selected projects will be awarded through either a grant from EPA to the tribe, or through an Interagency Agreement (IA) between EPA and Indian Health Services (IHS). Applicants that choose to receive funding through a grant will work directly with EPA. Applicants that choose to receive funding through an Interagency Agreement will work collaboratively with Indian Health Services (IHS) and EPA. The Regional Office (either EPA Region 6 or 9) where the Tribe is located and where the project will be performed will be responsible for making the award.

### **High Priority Wastewater and Drinking Water Infrastructure Projects**

Examples of \*high priority wastewater and drinking water infrastructure projects that may be funded under this announcement include, but are not limited to:

#### **Drinking Water**

- New wells to replace contaminated sources
- New water storage tanks to provide needed capacity
- Treatment / disinfection systems to ensure compliance with the Safe Drinking Water Act
- New distribution systems to replace old, small diameter lines susceptible to contamination

#### **Wastewater**

- Collection systems to replace failing individual septic tanks / drainfields and pit privies
- Wastewater treatment facilities
- Repair or replacement of cracked sewer lines

Attachment 1 contains draft Guidance for Project Eligibility and Design under the Tribal Border Infrastructure Program

\*Please note that high-priority proposals are considered to be those in which one or more of the following are addressed:

- a. Existing threats to public health
- b. Existing water quality issue(s) of significant environmental/ecological impact
- c. Potential acute threats to health
- d. Long-term/chronic exposure to non-acute human health impacts
- e. Existing water quality issue that does not have a significant human health or ecological/environmental impact “

### **C. EPA's Strategic Plan and Anticipated Programmatic Environmental Results**

#### **1. Linkage to EPA Strategic Plan (2006-2011)**

This request for proposals supports EPA's strategic objective to achieve a 50% reduction in the number of people lacking access to safe drinking water and basic sanitation by 2015. This objective builds upon EPA's Strategic Plan, Goal 4, Sub-objective 2.14 for Healthy Communities and Ecosystems in the U.S. / Mexico Border region (<http://www.epa.gov/ocfo/plan/2003sp.pdf>).

#### **2. Measuring Environmental Results (Outputs and Outcomes)**

Proposals must demonstrate a clear linkage between the relevant goals listed in the EPA Strategic Plan and the projects expected outputs and outcomes. Pursuant to EPA Order 5700.7, *“Environmental Results under EPA Assistance Agreements,”* EPA requires that all grant recipients adequately address environmental outputs and outcomes. For each priority area identified above, project proposals must articulate the project goals, objectives, activities and expected environmental results. Outputs and outcomes differ both in their nature, and in how they are measured.

The term **“output”** means an environmental activity or effort and associated work products related to an environmental goal or objective that will be produced or provided over a period of time or by a specified date. Outputs may be quantitative or qualitative but must be measurable during the assistance agreement funding period.

Examples of expected outputs from awards under this announcement include, but are not limited to, planning, design and construction of drinking water and wastewater infrastructure for federally recognized tribes in the U.S. / Mexico Border region.

The term “**outcome**” means the result, effect or consequence that will occur from carrying out an environmental or programmatic goal or objective. Outcomes may be environmental, behavioral, health-related or programmatic in nature, but must be quantitative. Impacts of programs or changes in behavior are typically intermediate outcomes that will eventually lead to desired changes in environmental or health status or ‘end’ outcomes.

Examples of expected outcomes for awards issued under this announcement are the provision of safe drinking water and basic sanitation for these tribes.

## **II. AWARD INFORMATION**

### **A. What is the amount of funding available?**

EPA Regions 6 and 9 anticipate that approximately \$1.5 million will be available to fund grants and/or Interagency Agreements (IAs) for high priority wastewater and drinking water infrastructure projects on Indian lands within 62 miles (100 kilometers) north of the U.S. / Mexico Border. The Regional Office where the Tribe is located and where the project will be performed will be responsible for making the award. Funding for this project is not guaranteed and is subject to the availability of funds and the evaluation of submissions based on the criteria in this announcement.

### **B. How many grants will EPA award in this competition?**

EPA estimates that approximately 3-6 awards through grants or Interagency Agreements will be funded under this announcement ranging from approximately \$250,000 to \$500,000. The awards will be made by either Region 6 or Region 9 as appropriate.

Funding will be awarded to eligible applicants through either grants to the tribe or through Interagency Agreements (IAs) between EPA and the Indian Health Service (IHS).

EPA reserves the right to reject all proposals and make no awards under this announcement. EPA is not bound by any estimates in this announcement. Award of funding through this solicitation is not a guarantee of future funds.

EPA reserves the right to make additional awards under this announcement, consistent with Agency policy and guidance, if additional funding becomes available after the

original selections are made. Any additional selections for awards will be made no later than six (6) months after the original selection decisions.

**C. What is the budget and project period for award(s) resulting from this solicitation?**

EPA anticipates that the start date for these projects will be October 1, 2010, and the project completion date should not exceed three years.

**D. Will EPA consider partial funding for these proposals?**

In appropriate circumstances, EPA reserves the right to partially fund proposals by funding discrete portions or phases of proposed projects. If EPA decides to partially fund a project, it will do so in a manner that does not prejudice any applicants or affect the basis upon which the proposal or portion thereof, was evaluated and selected for award, and therefore maintains the integrity of the competition and selection process.

**III. ELIGIBILITY INFORMATION**

**A. Eligible Applicants**

All Federally-recognized Tribes located within 62 miles (100 kilometers) north of the U.S. / Mexico Border are eligible to apply for funding.

**B. Threshold Eligibility Criteria**

These are requirements that if not met by the time of proposal submission will result in elimination of the proposal from consideration for funding. Only proposals from eligible entities (see above) that meet these criteria will be evaluated against the ranking factors in Section V of this announcement. Applicants deemed ineligible for funding consideration as a result of the threshold eligibility review will be notified within 15 calendar days of the ineligibility determination.

1. Proposals must be from eligible applicants for high priority drinking water or wastewater infrastructure projects to be performed in Indian Country within 62 miles (100 kilometers) north of the U.S. / Mexico Border. Proposals to perform projects outside the 62 mile U.S. / Mexico Border region are not eligible for funding and will be rejected.

2. Proposals must address one or more of the following:

- a. Existing threats to public health



- b. Existing water quality issue(s) of significant environmental/ecological impact
- c. Potential acute threats to health
- d. Long-term/chronic exposure to non-acute human health impacts
- e. Existing water quality issue that does not have a significant human health or ecological/environmental impact

3. Proposals that solely address issues of water quantity will not be reviewed.

4. Only Tribal infrastructure projects will be eligible for funding. These are systems owned, managed, and/or operated by Tribal governments which provide to the public either water for human consumption through pipes, constructed conveyances, or wells or wastewater treatment services through tribally-owned and/or operated treatment works.

5. Tribes that previously received funding under this program are eligible to compete for funding under this announcement as long as they are proposing a new project outside the scope of the previously funded project.

6. All project proposals must be submitted by the Tribal Chairperson or his/her designee.

7. a. Proposal packages must substantially comply with the submission instructions and requirements set forth in Section IV of this announcement or else they will be rejected. However, where a page limit is expressed in Section IV with respect to the proposal, pages in excess of the page limitation will not be reviewed.

b. In addition, proposal packages must be received by the EPA as specified in Section IV of this announcement, on or before the proposal submission deadline published in Section IV of this announcement. Applicants are responsible for ensuring that their submission reaches the designated person/office specified in Section IV of the announcement by the submission deadline.

c. Proposals submitted via e-mail or fax will not be reviewed.

d. Proposal packages received after the submission deadline will be considered late and returned to the sender without further consideration unless the applicant can clearly demonstrate that it was late due to EPA mishandling and not the applicant. Applicants should confirm receipt of their hardcopy proposal package submissions with Erskine D. Benjamin II – see Section VII of this announcement – as soon as possible after the submission deadline. Failure to do so may result in your proposal package not being reviewed.

## **C. Funding Restrictions**

### **Ineligible Costs**



The following are ineligible costs and should not be included in proposals:

- grant development costs ;
- non-related equipment purchase such as vehicles and computers

#### **D. Cost Sharing or Matching**

Although cost-sharing or matching is not required as a condition of eligibility under this competition, under Section V of this announcement EPA will evaluate proposals based on a leveraging criterion.

In order to be considered for evaluation, any leveraged funds/resources, and their source, must be identified in the proposal (See Section IV of the announcement). Leveraged funding or other resources need not be for eligible and allowable project costs under the EPA assistance agreement unless the Applicant proposes to provide a voluntary cost share as its form of leveraging (see below). Leveraging other than voluntary cost share is not included in the project budget on the grant forms but should be included in the grant work plan in the form of a statement to the effect that the applicant is expected to produce the proposed leveraging consistent with the terms of the announcement and their proposal.

If EPA accepts an offer for a voluntary cost share, applicants must meet their sharing commitment as a condition of receiving EPA funding. The recipient is legally obligated to meet any proposed voluntary cost share that is included in the approved project budget because the grant agreement includes the voluntary cost share. Applicants may use their own funds or other resources for a voluntary cost share if the standards at 40 CFR 30.23 or 40 CFR 31.24, as applicable, are met. Only eligible and allowable costs may be used for voluntary cost shares. Other Federal grants may not be used as voluntary cost shares without specific statutory authority (e.g. HUD's Community Development Block Grants).

#### **IV. PROPOSAL SUBMISSION INFORMATION**

##### **A. Proposal Content**

**All applicants must submit a narrative proposal as described below and the SF 424 and 424A form which can be found at**

**<http://www.epa.gov/region09/funding/applying.html>**.

The Narrative Proposal cannot exceed a maximum of eight (8) single-spaced, typewritten pages. Pages in excess of the eight (8) page limit will not be considered. Supporting materials, such as feasibility studies, can be submitted as attachments and are not included in the eight (8) page limit.

Proposals must contain the following information and meet the following requirements.

Proposals must address all of the evaluation criteria in Section V.

1. Proposals must be submitted by the Tribal Chairperson or his/her designee.
2. Tribe name and address. Tribes must be within 62 miles north of the U.S. / Mexico Border Region.
3. Contact person with phone number, fax number and email address
4. Project name
5. Whether the Tribe wants EPA funds to be provided through an Interagency Agreement (IA) between EPA and the IHS, or through a direct grant between EPA and the Tribe.
6. A map of the project showing the project's location on the reservation.
7. A complete description of the project, based on the guidelines set forth in Section I, including any available documents, such as feasibility studies, environmental studies, and design documents. See Feasibility Study Guidance in Appendices B and C of Attachment 2.
8. A complete description of the public health or water quality problem to be addressed by the project. Describe whether the project addresses any of the following and provide any supporting documentation:
  - a. Existing threats to public health
  - b. Existing water quality issue(s) of significant environmental/ecological impact
  - c. Potential acute threats to health
  - d. Long-term/chronic exposure to non-acute human health impacts
  - e. Existing water quality issue that does not have a significant human health or ecological/environmental impact
9. The existing and planned number of houses, tribal members and non-tribal members to be served by the project. List also any non-residential users to be served by the project, and the capacity that is designed to serve these users as a percentage of the total design capacity.
10. An itemized estimate of project costs, the funding requested, and any other funds to be contributed to the project. For budgetary purposes, EPA will calculate the eligible planning and design costs using Table 1 – Allowance for Facilities Planning and Design from the EPA federal regulation 40 CFR Part 35, Subpart I, Appendix B. A 2.5% project administration fee will be allowed for direct grants and tribal procurement based on construction costs.

11. EPA funds requested for the project. Also demonstrate how you will coordinate the use of EPA funding with other Federal and/or non-Federal sources of funds/resources to leverage additional resources beyond the grant funds awarded to carry out the proposed project(s) and/or that EPA funding will complement activities relevant to the proposed project(s) carried out by the applicant with other sources of funds or resources. Describe the type and amount of leveraging proposed, how you will obtain the leveraged resources, the likelihood the leveraging will materialize during grant performance, the strength of the leveraging commitment, and the role the leveraged funds/resources will play in the overall project. Selected applicants are expected to abide by their proposed leveraging commitments during grant performance and the failure to do so may affect the legitimacy of the award.

12. Status of the project. What planning, environmental or design work has been completed? If any, submit all documentation with the proposal as an appendix.

13. A short - approximately one (1) page - itemized estimate of operation and maintenance (O&M) costs, and the Tribe's plan for funding these costs. If the proposed project will connect to an existing system, the estimate must include the O&M costs for the entire system. Also, attach the O&M rate structure and the actual O&M revenues and expenditures for the previous two years.

14. Describe the Tribe's O&M capacity, e.g., does the Tribe have a utility structure, water board, tribal resolutions, ordinances, certified operators, meters and a rate structure which charges according to use? Also, indicate any plans the Tribe has to improve its O&M capacity.

15. A timeline for completing the project, including target dates for starting and completing planning, design and construction. All projects should have an anticipated start date of October 1, 2010. All projects should be completed within 3 years.

16. An indication of whether the project has the potential to impact resources (e.g., aquifer, river) that are shared with Mexico. As stated above, projects with transboundary (U.S. and Mexico) impacts must be certified by the Border Environment Cooperation Commission (BECC) prior to grant award. For other projects, EPA will also consult with BECC regarding all selected proposals.

17. The applicant's plan/approach for tracking and measuring their progress towards achieving the expected outputs and outcomes identified in Section 1 of this announcement.

18. Submit a list of federally-funded assistance agreements (assistance agreements include Federal grants and cooperative agreements but not Federal

contracts) similar in size, scope and relevance to the proposed project that your organization performed within the last three years (no more than 3 agreements, and preferably EPA agreements) and describe (i) whether, and how, you were able to successfully complete and manage those agreements and (ii) your history of meeting the reporting requirements under those agreements including whether you adequately and timely reported on your progress towards achieving the expected outputs and outcomes of those agreements (and if not, explain why not) and whether you submitted acceptable final technical reports under the agreements. In evaluating applicants under these factors in Section V, EPA will consider the information provided by the applicant and may also consider relevant information from other sources, including information from EPA files and from current/prior grantors (e.g., to verify and/or supplement the information provided by the applicant). If you do not have any relevant or available past performance or past reporting information, please indicate this in the proposal and you will receive a neutral score for these factors under Section V (a neutral score is half of the total points available in a subset of possible points). If you do not provide any response for these items, you may receive a score of 0 for these factors.

In addition, provide information on your organizational experience and plan for timely and successfully achieving the objectives of the proposed project, and your staff/expertise qualifications, staff knowledge, and resources or the ability to obtain them, to successfully achieve the goals of the proposed project.

19. Applicants must also submit the Standard Form (SF) 424 and SF 424A.

#### **B. How to submit your proposal**

Applicants must submit their proposals by hardcopy submission **only**. **Proposals submitted via e-mail and/or fax will not be reviewed.**

Proposal materials (narrative, SF 424, and SF 424A) must be received by EPA, Region 9 by no later than **5 PM Pacific Standard Time on Friday, May 14, 2010**. Proposals received after this date will not be considered for funding.

Please send one original and one copy of your proposal package, prepared as described above, to:

**Erskine D. Benjamin II**  
**Tribal Border Infrastructure Program Coordinator**  
**EPA Region IX, WTR-10**  
**75 Hawthorne Street**  
**San Francisco, CA 94105**

### C. Management Fees

When formulating budgets for proposals/applications, applicants must not include management fees or similar charges in excess of the direct costs and indirect costs at the rate approved by the applicants cognizant audit agency, or at the rate provided for by the terms of the agreement negotiated with EPA. The term "management fees or similar charges" refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs that are not allowable under EPA assistance agreements. Management fees or similar charges may not be used to improve or expand the project funded under this agreement, except to the extent authorized as a direct cost of carrying out the scope of work.

### D. DUNS Number

A Dun and Bradstreet Data Universal Numbering System (DUNS) number is required on all federal applications for assistance. Your organization may obtain a DUNS number at no cost by calling Dun & Bradstreet at (866) 705-5711 or on the Internet: <https://eupdate.dnb.com/requestoptions.html>

### E. Confidential Business Information

It is **not** recommended that you include confidential business information ("CBI") in your proposal/application. However, if confidential business information is included, it will be treated in accordance with 40 CFR 2.203. Applicants must clearly indicate which portion(s) of their proposal/application they are claiming as CBI. EPA will evaluate such claims in accordance with 40 CFR Part 2. If no claim of confidentiality is made, EPA is not required to make the inquiry to the applicant otherwise required by 40 CFR 2.204(c)(2) prior to disclosure. However, the Agency protects competitive proposals/applications from disclosure under applicable provisions of the Freedom of Information Act prior to the completion of the competitive selection process.

**NOTE:** Pursuant to 40 CFR 30.36, data produced under an award is subject to the Freedom of Information Act.

### F. Intergovernmental Review

Pre-application Coordination: The applicant should consult the Regional Indian Program Coordinator designated as the single point of contact for more information. Indian Tribes are not required to comply with the Intergovernmental Review Process and/or consultation provisions of Executive Order 12372 and 40 CFR Part 29.

### G. Proposal Communications and Assistance



In accordance with EPA's Policy for Competition of Assistance Agreements (EPA Order 5700.5A1), EPA staff will not meet with individual applicants to discuss draft proposals, provide informal comments on draft proposals, or provide advice to applicants on how to respond to ranking criteria. Applicants are responsible for the contents of their applications/proposals. However, consistent with the provisions in the announcement, EPA will respond to questions from individual applicants regarding threshold eligibility criteria, administrative issues related to the submission of the proposal, and requests for clarification about the announcement.

## H. Contracts and Subawards / Subgrants

### 1. Use of Funds for Subawards / Subgrants, Contracts, and Partnerships

#### **Can funding be used for the applicant to make sub-awards, acquire contract services, or fund partnerships?**

EPA awards funds to one eligible applicant as the recipient even if other eligible applicants are named as partners, co-applicants, or members of a coalition or consortium. The recipient is accountable to EPA for the proper expenditure of funds.

If a successful applicant intends to use EPA grant funds to purchase goods or services under the grant agreement, such applicants must compete the contracts for those goods and services and conduct cost and price analyses to the extent required by the procurement provisions of 40 CFR Parts 30 or 31, as appropriate. The regulations also contain limitations on consultant compensation. **While applicants are not required to identify contractors or consultants in their proposal, if they do so it does not relieve the applicant of its obligations to comply with competitive procurement requirements, nor does it guarantee that costs incurred for such contractor/consultant will be eligible under the assistance agreement.**

**NOTE:** Applicants may not award sole source contracts to consulting, engineering, or other firms assisting applicants with the proposal based solely on the firm's role in preparing the proposal.

Successful applicants may award subawards (also referred to as subgrants) of financial assistance under the EPA grant agreement provided the recipient complies with applicable requirements for subgrants/subawards, including those contained in 40 CFR Parts 30 or 31, as appropriate, and EPA's policy on "Subawards Under EPA Assistance Agreements." (see <http://www.epa.gov/ogd/guide/subaward-policy-part-2.pdf>).

Subgrants/subawards do not have to be competed; **however, successful applicants cannot use subgrants/subawards to avoid requirements in EPA grant regulations for competitive procurement by using subgrants/subawards to acquire**

**commercial services or products from for-profit organizations.** EPA will not be a party to subgrant/subaward agreements.

**How will an applicant's proposed sub-awardees/sub-grantees and contractors be considered during the evaluation process described in Section V of the announcement?**

Section V of the announcement describes the evaluation criteria and evaluation process that will be used by EPA to make selections under this announcement. During this evaluation, except for those criteria that relate to the applicant's own qualifications, past performance, and reporting history, the review panel will consider, as appropriate and relevant, the qualifications, expertise, and experience of: (i) an applicant's named sub-awardees/sub-grantees identified in the proposal/application if the applicant demonstrates in the proposal/application that if it receives an award that the sub-award/sub-grant will be properly awarded consistent with the applicable regulations in 40 CFR Parts 30 or 31. For example, applicants must not use sub-awards/sub-grants to obtain commercial services or products from for profit firms or individual consultants. (ii) an applicant's named contractor(s), including consultants, identified in the proposal/application if the applicant demonstrates in its proposal/application that the contractor(s) was selected in compliance with the competitive Procurement Standards in 40 CFR Part 30 or 40 CFR 31.36 as appropriate. For example, an applicant must demonstrate that it selected the contractor(s) competitively or that a proper non-competitive sole-source award consistent with the regulations will be made to the contractor(s), that efforts were made to provide small and disadvantaged businesses with opportunities to compete, and that some form of cost or price analysis was conducted. EPA may not accept sole source justifications for contracts for services or products that are otherwise readily available in the commercial marketplace.

EPA will not consider the qualifications, experience, and expertise of named sub-awardees/sub-grantees and/or named contractor(s) during the proposal/application evaluation process unless the applicant complies with these requirements.

## **V. APPLICATION REVIEW INFORMATION**

### **A. Criteria**

Only those proposals that meet the threshold eligibility criteria found in Section III will be evaluated based on the evaluation criteria and weights listed below (100-point scale). Applicants need to address these criteria in their proposals. Points will be awarded based on how well each criterion and/or sub-criterion is addressed in the proposal submitted.

#### **1. Critical Needs Assessment**

*Maximum Allowable Points: (40 points)*



The extent and quality to which the proposal addresses an existing public health or water quality problem.

a. Extent and quality to which the proposal addresses residential public health and water quality problems. **(15 points)**

Examples: Potential human exposure to microbiological contaminants through drinking water systems; contact exposure due to inadequate wastewater disposal

b. Extent and quality to which the project addresses existing water quality issues of significant environmental/ecological impact. **(10 points)**

c. Extent and quality to which the project addresses potential and actual acute threats to health or long-term/chronic exposures to human health threats. **(15 points)**

## **2. Operation & Maintenance Considerations**

*Maximum Allowable Points: (10 points)*

The extent and quality to which:

a. the proposal includes provisions for long-term operation and maintenance (O&M).

b. the applicant has existing systems for long-term O&M and proposes infrastructure for long-term O&M.

Examples: utility structure, water board, user fees, tribal O&M resolutions and ordinances

## **3. Funding Mechanisms**

*Maximum Allowable Points: (10 points)*

The extent to which the proposal identifies sufficient funding source(s) to adequately finance the entire project.

**Leveraging Funds (2 points)**

Under this criterion, applicants will be evaluated based on the extent they demonstrate:

- how they will coordinate the use of EPA funding with other Federal and/or non Federal sources of funds/resources to leverage additional resources beyond the grant funds awarded to carry out the proposed project(s) and/or

- that EPA funding will complement activities relevant to the proposed project(s) carried out by the applicant with other sources of funds or resources. Applicants will also be evaluated based on the type and amount of leveraging proposed, how the applicant will obtain the leveraged resources, the likelihood the leveraging will materialize during grant performance, the strength of the leveraging commitment, and the role the leveraged resources will play to support the proposed project activities.”

#### Budget Specificity (8 points)

Projects should have calculated costs for the following items, if applicable:

- preliminary planning,
- engineering and design,
- parts, material, equipment and labor costs,
- construction management oversight,
- construction inspection, and
- project administration (indirect and other costs).

#### 4. Planning and Design Considerations

*Maximum Allowable Points: (10 points)*

The extent and quality to which the proposal addresses planning, design, construction or related activities associated with drinking water and wastewater infrastructure improvements. Drinking water projects must address water quality issues, not supply (quantity) issues.

Examples: engineering, environmental impact studies, inspection, administration

#### 5. Likelihood of Completion

*Maximum Allowable Points: (10 points)*

The extent to which the proposal reasonably demonstrates the applicants' ability to complete the project within 3 years (e.g. scope of the project readiness to proceed, and extent to which planning and/or design work has already been completed.).

#### 6. Programmatic Capability

*Maximum Allowable Points: (10 points)*

Under this criterion, applicants will be evaluated based on their ability to successfully complete and manage the proposed project taking into account the applicant's:

- a. Past performance in successfully completing and managing

federally-funded assistance agreements (assistance agreements include Federal grants and cooperative agreements but not Federal contracts) similar in size, scope, and relevance to the proposed project performed within the last 3 years. **(3 points)**

b. History of meeting reporting requirements under federally funded assistance agreements (assistance agreements include Federal grants and cooperative agreements but not Federal contracts) similar in size, scope, and relevance to the proposed project performed within the last 3 years and submitting acceptable final technical reports under those agreements. **(3 points)**

c. Organizational experience and plan for timely and successfully achieving the objectives of the proposed project. **(2 points)**

d. Staff expertise/qualifications, staff knowledge, and resources or the ability to obtain them, to successfully achieve the goals of the proposed project. **(2 points)**

**Note:** In evaluating applicants under this criterion, the Agency will consider the information provided by the applicant and may also consider relevant information from other sources including agency files and prior/current grantors (e.g., to verify and/or supplement the information supplied by the applicant). Applicants with no relevant or available past performance or reporting history (items a and b above), will receive a neutral score (50% of the maximum allowable points) for those elements of this criterion.

## **7. Environmental Results: Past Performance/Tracking**

*Maximum Allowable Points: (10 points)*

a. Under this criterion, applicants will be evaluated based on the extent and quality to which they adequately documented and/or reported on their progress towards achieving the expected results (e.g., outcomes and outputs) under Federal agency assistance agreements (assistance agreements include within the past three years, and if such progress was not being made whether the applicant adequately documented and/or reported why not. **(5 points)**

**Note:** In evaluating applicants under this criterion, the Agency will consider the information provided by the applicant and may also consider relevant information from other sources including agency files and prior/current grantors (e.g., to verify and/or supplement the information supplied by the applicant). Applicants with no relevant or available past performance history, will receive a neutral score (50% of the maximum allowable points) for this factor.

- b. Applicants will be evaluated based on their plan for tracking and measuring their progress towards achieving the expected project outputs and outcomes including those identified in Section I. **(5 points)**

## **B. Review and Selection**

An EPA review committee will evaluate those proposals that meet the threshold eligibility criterion in Section III against the factors identified above, and score and rank each such proposal. The committee will then submit its funding recommendations, based on the rankings, to the Selection Official, who will select the proposal(s) for funding based on these recommendations and rankings. In making the final award determinations, the Selection Official will consider the review committee recommendations and rankings and may consider the following factors: program diversity and geographical diversity.

## **VI. AWARD ADMINISTRATION INFORMATION**

Following final selections, all applicants will be notified in writing regarding the status of their proposal.

- a. EPA will notify selected applicant(s) in writing within 15 days after internal recommendation decisions are made. At this time they will be requested to submit a final application. This notification, which advises that the application has been recommended for award, is not an authorization to begin performance.

- b. For selected proposals, by approximately Monday, June 28, 2010, IHS must submit the final draft Project Summary/Memorandum of Agreement for projects to be funded through an Interagency Agreement (IA) with IHS **or** Tribes must submit final grant applications and work plans for projects to be awarded through a direct grant. An invitation to apply for funds is not a guarantee of funding. The application and work plan must be approved by EPA before funding can occur.

- c. Administrative and National Policy Requirements:

Successful applicants will be required to certify that they have not been debarred or suspended from participation in federal assistance awards in accordance with 40 CFR 32.

Agreements with Tribal Governments are subject to 40 CFR Part 31 and 2 CFR Part 225 (OMB Circular A-87). A listing and description of general EPA Regulations applicable to the award assistance agreements may be viewed at: <http://www.epa.gov/oqd/grants/regulations.htm>. Copies of the circulars can be found at <http://www.whitehouse.gov/omb/circulars/>.

In accordance with the EPA policy and OMB circular, any recipient of funding must agree not to use assistance funds for fund-raising, or political activities such as lobbying members of Congress or lobbying for other federal grants, cooperative agreements, or contracts. EPA grant funds may only be used for the purposes set forth in the grant agreement, and must be consistent with the statutory authority for the award. Grant funds may not be used for matching funds for other Federal grants, or intervention in Federal regulatory or adjudicatory proceedings. In addition, Federal funds may not be used to sue the federal government or any other government entity.

In certain circumstances, costs incurred prior to the grant award may be eligible for reimbursement. However, this does not include any costs associated with responding to this solicitation or in finalizing the application package. If costs are incurred before the award, they are incurred at the applicant's or grantee's own risk.

d. Applicants must note that projects with transboundary (U.S. and Mexico) impacts must be certified by the Border Environment Cooperation Commission (BECC) under its criteria for certification of environmental infrastructure projects. This requirement must be complied with prior to grant award, or no grant will be awarded.

### **C. Reporting Requirements**

Quarterly project status reports, a final project status report, and Federal Financial Reports will be required. The quarterly reports must include brief information on each of the following areas: 1) a comparison of actual accomplishments to the outputs / outcomes established in the assistance agreement work plan for the period; 2) the reasons for slippages if established outputs/outcomes were not met; and, 3) additional pertinent information, including, when appropriate, analysis and information of cost overruns or high unit costs.

### **D. Disputes**

Assistance agreement competition-related disputes will be resolved in accordance with the dispute resolution procedures published in 70 FR (Federal Register) 3629, 3630 (January 26, 2005) which can be found at the following link:  
<http://www.epa.gov/ogd/competition/resolution.htm>.

Copies of these procedures may also be requested by contacting **Erskine D. Benjamin II** at (415) 972-3561 or [benjamin.erskine@epa.gov](mailto:benjamin.erskine@epa.gov) or **Audrey L Johnson** at (415) 972-3431 or [johnson.audreyL@epa.gov](mailto:johnson.audreyL@epa.gov).

### **E. NEPA & Cross Cutter Compliance**

Federally funded infrastructure projects are subject to a detailed environmental review process under the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the National Historic Preservation Act (NHPA) and other cross-cutting authorities. The NEPA process invites public participation regarding the proposed project and its potential effects. Substantive and potentially costly mitigation, impact avoidance, and monitoring measures are all potential outcomes of the environmental review process. These measures may include, but are not limited to monitoring and reporting potentially sensitive information such as water usage, groundwater levels, listed species, and cultural resources. The likelihood of these types of outcomes is dependent upon the number and sensitivity of the environmental and cultural issues identified during the environmental review process.

For this reason, we strongly encourage the Tribe, at the earliest possible time, to contact the U.S. Fish and Wildlife Service, the National Marine Fisheries Services, and/or the State Historic Preservation Office to discuss potential endangered species or cultural resource impacts of the project and to identify possible outcome of the environmental review process.

We also encourage you to complete the on-line training course we have developed regarding NEPA as well as review the NEPA Guide we have developed to assist you. The on-line training covers all the material presented in the NEPA Guide. It also contains interactive quiz questions and takes approximately 90 minutes to complete. Both the NEPA Guide and companion training can be accessed at:  
<http://www.epa.gov/compliance/nepa/epacompliance/saaptraining/index.html>

#### **F. Consultation with the Border Environment Cooperation Commission**

EPA will consult with the Border Environmental Cooperation Commission prior to award in accordance with the legal requirements that apply to funding these projects.

#### **VII. AGENCY CONTACT**

For additional information, please contact the Tribal Border Infrastructure Coordinators:

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